

104TH CONGRESS
1ST SESSION

S. 481

To limit the amount of expenditures required under the Endangered Species Act of 1973 and other laws for the protection of fish and wildlife made by the Bonneville Power Administration that may be recovered from ratepayers, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 2 (legislative day, FEBRUARY 22), 1995

Mr. BAUCUS introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To limit the amount of expenditures required under the Endangered Species Act of 1973 and other laws for the protection of fish and wildlife made by the Bonneville Power Administration that may be recovered from ratepayers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Fish and Wildlife Ex-
5 penditure Recovery Act of 1995”.

6 **SEC. 2. FUNDING OF FISH AND WILDLIFE ACTIONS.**

7 (a) DEFINITIONS.—In this Act:

1 (1) FISH AND WILDLIFE COSTS.—The term
2 “fish and wildlife costs” means included costs that
3 are incurred in connection with action taken under
4 the Endangered Species Act of 1973 (16 U.S.C.
5 1531 et seq.), or any other law, for the protection,
6 maintenance, or improvement of fish or wildlife re-
7 sources or habitat.

8 (2) INCLUDED COSTS.—The term “included
9 costs” includes—

10 (A) purchase power costs and lost revenues
11 related to operations of the Federal Columbia
12 River Power System to provide flows to benefit
13 a species listed as threatened or endangered
14 under section 4 of the Endangered Species Act
15 of 1973 (16 U.S.C. 1534);

16 (B) expenditures; and

17 (C) reimbursable costs.

18 (b) LIMIT ON FISH AND WILDLIFE COSTS.—The
19 amount of fish and wildlife costs that the Bonneville
20 Power Administration may incur during a fiscal year shall
21 not exceed 20 percent of the gross annual power revenues,
22 exclusive of gross residential exchange revenues, that the
23 Administrator accrues in that fiscal year.

24 (c) NONREIMBURSABILITY OF EXCESS COSTS.—Any
25 fish and wildlife costs incurred by the Bonneville Power

1 Administration during a fiscal year in excess of the allow-
2 able amount determined under subsection (b) shall be
3 nonreimbursable from power revenues.

4 (d) TRANSMISSION RATES.—No fish and wildlife
5 costs incurred by the Bonneville Power Administration
6 shall be allocated to or otherwise recovered through rates
7 of the Administration for the transmission of power.

8 (e) FULFILLMENT OF RESPONSIBILITIES.—Compli-
9 ance with this section shall not relieve the Government of
10 any responsibilities under the Endangered Species Act of
11 1973 (16 U.S.C. 1531 et seq.).

